

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: CHRISTINE BENNETT

CHAPTER 13

Debtor.

U.S. Bank National Association, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF
AMERICA, NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER TO
LASALLE BANK, NATIONAL ASSOCIATION,
AS TRUSTEE FOR MERRILL LYNCH FIRST
FRANKLIN MORTGAGE LOAN TRUST,
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2007-1

NO. 19-11414-AMC

Respondent

11 U.S.C. Section 362

RESPONSE TO DEBTOR'S MOTION FOR REINSTATEMENT OF THE
AUTOMATIC STAY

Respondent U.S. Bank, National Association by and through its undersigned counsel, hereby responds to the Debtors' Motion to Reinstate Automatic Stay and, in response thereto, avers as follows:

1. Paragraph 1 of the Debtor's motion is admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Respondent is without sufficient knowledge to admit or deny this averment. By way of further answer, Respondent has already proceeded with its mortgage foreclosure action in the Court of Common Pleas for Philadelphia County, Docket No. 230903010, since the automatic stay was lifted back on June 20, 2023. Moreover, Respondent respectfully notes that reimposition of the automatic stay is an extraordinary remedy in the Third Circuit, and the U.S. Court of Appeals for the Third Circuit requires a debtor to prove all the elements for injunctive relief under Bankruptcy Rule

7065 and Fed. R. Civ. P. 65 to reimpose the automatic stay, namely, “substantial likelihood of success on the merits, irreparable harm to the movant, harm to the movant outweighs the harm to nonmovant, and injunctive relief would not violate the public interest.” *Wedgewood Inv. Fund Ltd. v. Wedgewood Realty Group, Ltd. (In re Wedgewood Realty Group, Ltd.)*, 878 F.2d 693, 701 (3d Cir. 1989).

WHEREFORE, Respondent respectfully requests that this Honorable Court deny the Debtor’s motion to reinstate the stay.

Respectfully submitted,

/s/ Mark A. Cronin

Mark A. Cronin, Esq.
KML Law Group, P.C.
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106
Phone: (215) 627-1322 Ext. 8282
mcronin@kmlawgroup.com

DATED: October 17, 2023